GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PUBLIC SERVICES – APWAS –Allowed excess payments towards reimbursement of Central Sales Tax (CST) against the agreement clause pertaining to RWS & S Division, in Krishna District - Departmental proceedings recommended against Sri J. Nageswara Rao, DAO (Retd), O/o EE, RWS&S Division, Vijayawada - for the lapses committed by him – Article of charges – Issued..

FINANCE (ADMIN-II, DWA, PAO) DEPARTMENT

GO Rt.No.2010

Dated. 02.12.2021
Read the following:-

Ref:-1.From the Director General GA(V&E) Department Alert Note no.145(Cno.1371/V&E/E1/2016 dtd. 26-09-2016
2.G.O.Ms.No. 97, Finance (Admn.II-DWA,PAO) Department dtd.02.12.2021.

ORDER:

In pursuance of the sanction accorded by the Government under sub-clause (i) of clause (b) of sub-rule (2) of Rule 9 of the Revised Pension Rules, 1980 for instituting departmental proceedings against Sri J.NageswaraRao, DAO (Retd), O/o EE, RWS&S Division, Vijayawada in the read GO above. It is proposed to hold an inquiry against the said Sri J.Nageswara Rao, DAO (Retd) on certain allegations levelled against him while working in O/o the EE, RWS&S Division, Vijayawada in accordance with the procedure laid down in Rule 20 of the A.P.C.S. (CCA) Rules, 1991.

2. The substance of the imputations of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure.I). A statement of the imputations of misconduct or misbehavior in support of each article of charge is enclosed (Annexure.II). a list of witnesses by whom and A list of documents by which, the articles of charge are proposed to be sustained are also enclosed (Annexure III andIV).

3. Sri J.Nageswara Rao, DAO (Retd), O/o EE, RWS&S Division, Vijayawada is directed to submit written statement of his defence and also to state whether he desires to be heard in person within 10 days of the receipt of this order.

4. He is informed that an inquiry will be held only in respect of those articles of charges as are not admitted. They should, therefore, specifically admit or deny each article of charge.

(P.T.O)

5260597/2021/ADMIN-DWA,PAO-FIN01

5. Sri J.Nageswara Rao, DAO (Retd), O/o EE, RWS&S Division, Vijayawada is further informed that if he does not submit his written statement of defense on or before the date specified in para 3 above, or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of Rule 20 of the A.P.C.S. (CCA) Rules, 1991, or the orders/directions issued in pursuance of the said rules, the inquiring authority may hold the inquiry against him exparte, based on the material available on the record. .

6. He is specifically informed that this order does not preclude the Government to frame fresh charge/charges, if any further irregularity/irregularities are noticed during the course of disciplinary action.

7. The receipt of this G.O. may be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

GULZAR.N
SECRETARY TO GOVERNMENT(RM&FP)

To
Sri J.Nageswara Rao, DAO (Retd), O/o EE, RWS&S Division, Vijayawada through the Director of Works Accounts, A.P.,Ibrahimpatnam

Copy to:
The Director of Works Accounts, A.P., Ibrahimpatnam for necessary action.
The Principal Secretary to Government PR&RD Department, AP Secretariat, Velagapudi
The Finance (OP.II) Department
SF/SCs(1528445)

3/12/2021

//FORWARDED :: BY ORDER//

SECTION OFFICER

ANNEXURE – I

STATEMENT OF ARTICLE OF CHARGE FRAMED AGAINST SRI J.NAGESWARA RAO, DAO O/o EE, RWS&S DIVISION, VIJAYAWADA, NOW RETIRED.

CHARGE

That the said Sri J.Nageswara Rao, while functioning as DAO in the O/o Executive Engineer, RWS&S Division, Vijayawada has reimbursed the Central Sales Tax amounting to Rs.1,65,545/-to the contract agencies vide Vr.No.83, Dt: 26.04.2013, in violation of the Clause (8) of Agreement in respect of work "CPWS Scheme to Yanamalakuduru and other habitations under Phase.I".

Thus he has failed in discharging his duties in accordance with the Government instructions. Thus he has violated Rule 3(1) of A.P.C.S. Conduct Rules 1964.

GULZAR.N
SECRETARY TO GOVERNMENT(RM&FP)

SECTION OFFICER

5260597/2021/ADMIN-DWA,PAO-FIN01

ANNEXURE - II

STATEMENT OF IMPUTATIONS OF MISCONDUCT OR MISBEHAVIOUR IN SUPPORT OF THE ARTICLE OF CHARGES FRAMED SRI J.NAGESWARA RAO, DAO O/o EE, RWS&S DIVISION, VIJAYAWADA, NOW RETIRED

The Regional Enforcement and Vigilance Officer, Vijayawada was addressed to the EE, RWS & S Division, Vijayawada and EE, RWS & S Division, Gudiwada vide reference Lr.No.C.No.1115-1/RV&EO, VJA/Engg/AEE-III/2016, dated:02-08-2016. The matter pertaining to which the Central Sales Tax amount reimbursed to the Contract Agencies, which is against the Agreement clause (8). The CST reimbursed amount of Rs.6,52,352/- (i.e., 3 works) in respect of EE, RWS&S Division, Vijayawada and CST reimbursed amount of Rs.6,50,067/- (i.e., 3 works) in respect of EE, RWS&S Division, Gudiwada.

The Executive Engineer, RWS&S Division, Vijayawada and the Executive Engineer, RWS&S Division, Gudiwada have allowed the reimbursement of Central Sales Tax of an amount of Rs.13,02,419/- against the Agreement clause for completed and ongoing works in Krishna District since 2003. Due to this, excess payments are being made to the Contract Agency, which causes loss to the Government exchequer.

Sri J.NageswaraRao, while functioning as DAO in the O/o Executive Engineer, RWS&S Division, Vijayawada has allowed reimbursement of Central Sales Tax for an amount of Rs.1,65,545/- to the CPWS Scheme to Yanamalakuduru and other habitations under Phase.I, Estimate Rs.1000.00 Lakhs (vide voucher No.83,dt.26.04.2013)and the payment was made at division level without following the agreement clause(8). Due to this, excess payments are being made to the Contract Agency, which causes loss to the Government exchequer. Therefore, the Vigilance authorities requested to initiate action as deemed fit against concerned Divisional Accounts Officer for allowing the reimbursement Central Sales Tax against agreement clause.

Thus, Sri J.NageswaraRao DAO (Retd.,), O/o EE, RWS&S Division, Vijayawada by their above mentioned acts, have exhibited lack of integrity, devotion to duty and thereby contravened the Rule 3 of A.P. Civil Service (Conduct) Rules — 1964.

Hence, the charge.

GULZAR.N
SECRETARY TO GOVERNMENT(RM&FP)

SECTION OFFICER

ANNEXURE-III

LIST OF WITNESS BY WHICH THE ARTCILE OF CHRAGE FRAMED SRI J.NAGESWARA RAO, DAO O/o EE, RWS&S DIVISION, VIJAYAWADA, NOW RETIRED IS PROPSED TO BE SUSTAINED.

"NIL"

GULZAR.N
SECRETARY TO GOVERNMENT(RM&FP)

SECTION OFFICER

ANNEXURE – IV

LIST OF DOCUMENTS BY WHICH THE ARTCILE OF CHRAGE FRAMED SRI J.NAGESWARA RAO, DAO O/o EE, RWS&S DIVISION, VIJAYAWADA, NOW RETIRED IS PROPSED TO BE SUSTAINED.

1. Alert Note No.145(C.No.1371/V&E/E1/2016)/Dated:26-09-2016 of Director General (Vigilance and Enforcement) and Ex-Officio Principal Secretary to Government.

2. Report of the JDWA,Dowlaiswaram Lr.No.JDWA/WA/DWM/Sn.B/B1/2020- 21/345/ dt:29-01-2021,JDWA/WA/Dwm/Sn.B/B1/2021-22/178/dt:01-10-2021and Lr.No.JDWA/WA/DWM/Sn.B/B1/2021-22/196/dt:20-10-2021.

GULZAR.N
SECRETARY TO GOVERNMENT(RM&FP)

SECTION OFFICER